

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE SMT.JUSTICE T. RAJANI

Writ Appeal No.1031 of 2017

Judgment: (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

This appeal, under Clause 15 of the Letters Patent, is filed against the order of the learned Single Judge sustaining the objections of the registry with regards maintainability of a writ petition wherein the relief sought for is a writ of Certiorari to declare the action of the Family Court in entertaining a dispute based on a petition filed by the 2nd respondent.

It is admitted by Sri G. Rama Sharma, learned counsel for the appellant-writ petitioner, that no order has been passed by the Family Court. It does not, therefore, stand to reason that our Certiorari jurisdiction should be permitted to be invoked to have a non-existent order quashed.

Sri G. Rama Sarma, learned counsel for the appellant, states that it would suffice if the appellant-writ petitioner is granted liberty to raise all the contentions, urged in the Writ Petition, before the Family Court.

Suffice it to make it clear that neither the order under appeal, nor the order now passed by us, shall preclude the appellant from raising all such contentions, as are available to him in law, before the Family Court; and the Family Court shall examine these contentions on its merits uninfluenced by the observations made in this order.

Subject to the aforesaid observations, the Writ Appeal fails and is, accordingly, dismissed. Miscellaneous Petitions pending, if any, shall also stand dismissed. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(T. RAJANI, J)

27th July, 2017

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Date: 27.7.2017

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